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United Nations

Report of the Special Committee against Apartheid

General Assembly

Official Records • Forty-eighth Session
Supplement No.22A (A/48/22/Add.1)

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LETTER OF TRANSMITTAL

14 June 1994

Excellency,

I have the honour to send you herewith the report of the Special Committee against Apartheid, which was adopted by the Special Committee on 14 June 1994. The report is submitted to the General Assembly and the Security Council in accordance with the relevant provisions of General Assembly resolutions 2671 (XXV) of 8 December 1970 and 48/159 B of 20 December 1993.

Accept, Excellency, the assurances of my highest consideration.

(Signed) Ibrahim A. GAMBARI
Chairman
Special Committee against Apartheid

His Excellency
Mr. Boutros Boutros-Ghali
Secretary-General
United Nations
New York, NY 10017

I. INTRODUCTION

1. In its resolution 48/159 B of 20 December 1993, adopted by consensus, the General Assembly, authorized the Special Committee against Apartheid, inter alia, to follow closely developments in South Africa and to submit a final report to the Assembly following the establishment of a democratically elected, non-racial Government in South Africa. The present report reviews the political process which culminated in the holding of South Africa's first democratic, non-racial elections from 26 to 29 April 1994 and the establishment of a Government of National Unity. The report, which covers the period from November 1993 to 10 June 1994, also reviews the socio-economic situation in the country, the response of the international community to developments there and the activities of the Special Committee aimed at facilitating the establishment of a united, democratic and non-racial South Africa, as envisaged in the Declaration on Apartheid and its Destructive Consequences in Southern Africa (Assembly resolution S-16/1 of 14 December 1989, annex).

2. In pursuance of its mandate, the Special Committee undertook a high-level fact-finding mission, led by its Chairman, to South Africa from 28 February to 6 March 1994 (see A/48/921, annex) in order to underline the Committee's support to the people of South Africa and their political leadership in their efforts to bring all parties into the political process. The mission offered the Committee an opportunity to obtain first-hand information on arrangements and planning for the holding of the elections. During the preparation of the final report of the Special Committee, a wide range of sources, including documents, statements, statistics and research publications, periodicals and newspapers, was used. The Special Committee has also taken advantage of conferences, seminars and consultations with governmental and non-governmental organizations to obtain information that was helpful in the course of the preparation of the report. Also in accordance with its mandate, the Special Committee undertook a second mission to South Africa from 6 to 10 June 1994 to hold consultations with the Government of National Unity (see paras. 174-191 below).

II. POLITICAL DEVELOPMENTS IN SOUTH AFRICA

A. Transitional structures

3. On 18 November 1993, 21 political parties participating in the multi-party negotiation process adopted a number of constitutional principles and agreements regarding the establishment of transitional structures to guide South Africa through the period leading up to the country's first non-racial, democratic elections, which the parties agreed would be held on 27 April 1994. These included agreements on a Transitional Executive Council (TEC), an Interim Constitution, an Electoral Bill, an Independent Electoral Commission (IEC), an Independent Media Commission (IMC) and an Independent Broadcasting Authority (IBA). On 22 December 1993, the South African Parliament, by a vote of 237 to 45, adopted bills that passed these agreements into law. 1/ The date for the elections was subsequently changed from 26 to 28 April 1994.

4. On the proposal of the African National Congress (ANC), the Multi-party Negotiation Council adopted amendments to the Interim Constitution on 22 February 1994, which were voted into law by the South African Parliament on 2 March (see paras. 34 and 35 below). On 25 April, the South African Parliament adopted further amendments to the Interim Constitution, which incorporated agreements reached between ANC, the South African Government, Zulu King Goodwill Zwelithini and Chief Mangosuthu Buthelezi, on behalf of the Inkatha Freedom Party (IFP) (see paras. 65-69 below).

1. Interim Constitution

5. The Interim Constitution 2/ came into force on 27 April 1994 and is expected to remain in force for the first two years of the five-year transitional period, by which time the joint sitting of the National Assembly and the Senate as a Constituent Assembly would have drawn up the final constitution for the country.

6. The Interim Constitution guarantees fundamental rights, including equality of race and gender; freedom of speech, assembly and movement; the right to vote; the right to an open and fair trial; the right not to be exposed to torture and cruel or inhuman punishment; and the right of those dispossessed of land under apartheid to seek restitution. It also limits the President's power to declare a state of emergency.

7. Under the provisions of the Interim Constitution:

(a) A Government of National Unity would be established following elections in April 1994 to govern the country for the next five years, until 1999, when national elections under a new constitution would be held. It would be responsible to the Interim Parliament;

(b) The boundaries, powers and functions of provinces and any amendments thereto in the final constitution to be adopted by the Constituent Assembly would require the approval of a 60 per cent majority of the Senate;

(c) A Constitutional Court would have the authority to resolve disputes of interpretation of the Interim Constitution between different levels of government. It would serve as the court of final instance over all matters relating to the interpretation, protection and enforcement of the provisions of

the Interim Constitution. The President of South Africa would appoint the president and the other 10 members of the Constitutional Court.

Legislature

8. The National Parliament consists of a 400-member National Assembly elected on the basis of proportional representation and a 90-member Senate constituted by 10 members elected by each of the provincial legislatures.

9. The Interim Parliament would also serve as a constituent assembly mandated to draw up South Africa's final constitution in accordance with the 33 agreed-upon constitutional principles included in the Interim Constitution. The Constituent Assembly would adopt the new constitution within two years of its first sitting by a two-thirds majority. The adopted text would then have to be approved by 60 per cent of the votes cast in a national referendum.

Executive

10. The National Assembly would elect one of its members as President of the country to serve as head of State and convener of the Cabinet. Once elected, the President would vacate his or her seat in the National Assembly. The President could serve for up to five years. Every party holding at least 80 seats in the National Assembly would be entitled to designate an executive deputy president, who need not vacate his or her seat in Parliament.

Cabinet

11. The Cabinet would be composed of the President, two executive deputy presidents and not more than 27 ministers appointed by the President. A party holding more than 20 seats in the National Assembly and which had decided to participate in the Government of National Unity would be entitled to one or more of the Cabinet portfolios in proportion to the number of seats it held in the National Assembly. Reaching cabinet decisions by consensus is seen as the core of the power-sharing arrangement for the next five years.

Judiciary

12. The Interim Constitution provides for an independent and impartial judiciary subject to the Interim Constitution and the law. The Chief Justice of the Supreme Court would be appointed by the President in consultation with the Cabinet. The Supreme Court would have an Appellate Division and provincial and local divisions. The Interim Constitution also provides for a Judicial Service Commission, a Public Protector, a Human Rights Commission, a Commission on Gender Issues and a Commission on the Restitution of Land Rights.

National defence force

13. The national defence force would be the only military force in the country and would consist of members of the South African Defence Force (SADF) and other armed formations (liberation movements and homeland armies).

Provincial governments

14. The Interim Constitution divides South Africa into the following nine provinces: Eastern Cape; Eastern Transvaal; KwaZulu-Natal; Northern Cape; Northern Transvaal; North-West; Orange Free State; Pretoria-Witwatersrand-Vereeniging; and Western Cape. It provides for a provincial legislature for

each province, elected by proportional representation and by separate ballot. Provisional legislatures would be entitled to adopt provincial constitutions as long as they are consistent with the Interim Constitution, in particular with the agreed constitutional principles. Provincial legislatures would have the power to make laws concurrently with the national Government on education, health, police, housing, public transport, welfare and agriculture. These legislatures would be provided with an equitable share of national revenues by the national Government and can raise additional revenue and secure loans with the assent of the national Government.

2. Transitional Executive Council

15. The main function of TEC was to oversee and facilitate, in conjunction with all existing legislative and executive governmental structures at the national, regional and local levels, the preparations for the holding of the country's first democratic, non-racial elections and to serve as a transitional executive body during the period leading up to the elections and the formation of a Government of National Unity. TEC ceased to function on 27 April, the day that South Africa's Interim Constitution came into force.

16. The following political parties, homeland governments and the Government of South Africa joined TEC: 3/

(a) ANC;

(b) Ciskei Government;*

(c) Democratic Party;

(d) Dikwankwetla Party;

(e) Gazankulu Government;

(f) Intando Yesizwe Party;

(g) Inyandra National Movement;

(h) KaNgwane Government;

(i) KwaNdebele Government;

(j) Labour Party;

(k) Lebowa Government;

(l) Natal/Transvaal Indian Congress;

(m) National Party;

(n) National People's Party;

(o) Qwa Qwa Government;

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* Ciskei joined in January 1994.

(p) Solidarity;

(q) South African Communist Party;

(r) South African Government;

(s) Transkei Government;

(t) United People's Front;

(u) Venda Government;

(v) Ximoko Progressive Party.

17. The member parties of the Freedom Alliance, namely, the Conservative Party, the Afrikaner Volksfront and IFP, and the homeland governments of Bophuthatswana, Ciskei and KwaZulu, also members of the Freedom Alliance, refused to join TEC. The Pan Africanist Congress of Azania (PAC) refused to participate because, in its view, TEC did not divest the Government of South Africa of control over the security forces. 4/ On 20 January 1994, the Military Head of State of Ciskei, Brigadier Oopa Gqozo, announced that Ciskei would join TEC and take part in the elections. 5/

18. At its first meeting, held at Cape Town on 7 December, TEC made appointments to and established IEC, IMC and the Special Electoral Court and approved the TEC budget. It also nominated members to its seven subcouncils, dealing with (a) law and order, stability and security; (b) defence; (c) intelligence; (d) regional and local government and traditional authorities; (e) finance; (f) foreign affairs; and (g) the status of women. 6/

19. Also at its first meeting, TEC adopted a resolution requesting the United Nations, the Commonwealth, the European Union and the Organization of African Unity (OAU), as well as the Governments of individual countries, to provide international observers to monitor the elections, and requested the United Nations to coordinate the activities of all such international observers. 7/

20. On 18 January 1994, the TEC Subcouncil on Foreign Affairs entered into a Memorandum of Understanding with the United Nations and the Commonwealth on an International Donors' Conference on Human Resources Development for a Post-Apartheid South Africa, to be held in South Africa during 1994. 8/ The Conference would be convened and organized by the Government of South Africa and would be co-sponsored by the United Nations, the United Nations Development Programme (UNDP) and the Commonwealth. TEC also approved South Africa's application for a loan of $850 million from the International Monetary Fund (IMF) and negotiated the arrangements and conditions for the loan. 9/

21. Also in January, TEC approved a R600 million budget and appointed senior officers from different military formations in South Africa to form the Command Council of the joint National Peace-keeping Force (NPKF). These included members of SADF, the South African Police, Umkhonto we Sizwe - the military wing of ANC, and the homeland police forces of Gazankulu, KaNgwane, KwaNdebele, Lebowa, Qwa Qwa, Transkei and Venda. Brigadier Gabriel Ramushwana, the military head of state of Venda, was appointed the Chief Commanding Officer of NPKF. PAC and members of the Freedom Alliance did not join NPKF (see also para. 74 below). However, on 16 January, PAC announced a unilateral suspension of its armed struggle. 10/ NPKF was to be disbanded after the elections.

22. On 23 March 1994, in a reversal of an earlier position, TEC announced that all prisoners would be allowed to vote, including those serving sentences without the option of a fine. The decision was expected to allow some 125,000 prisoners to exercise their franchise. It followed violent incidents during protests at several prisons, in which 21 inmates were killed and 100 injured. 11/

23. TEC took a number of decisions with regard to the activities of the South African Police and of homeland police forces. In January, it had the Internal Stability Unit of the South African Police withdrawn from the strife-torn East Rand townships outside Johannesburg and had them replaced by units of SADF as part of a peace plan for the area. The situation in those townships improved markedly following the deployment of SADF. 12/ In addition, TEC set up a task force to investigate the activities of alleged "hit squads" and the KwaZulu police in Natal province (see also paras. 78-81 below). 13/

24. During March and April, TEC took steps with regard to the reincorporation of the homelands in order to defuse civil service discontent and to ensure that free and fair elections could be held in those areas (see paras. 39-47 below).

3. Independent Electoral Commission

25. IEC was composed of 11 South Africans selected by TEC and formally appointed by the State President. It bore the overall responsibility to administer, organize, supervise and conduct free and fair elections to the National Assembly and the provincial legislatures. Together with TEC, the function of IEC was to promote conditions conducive to free and fair elections and to ensure that the Electoral Code of Conduct was observed. IEC determined and certified the results of the election. The Chairman of IEC was Judge Johann Kriegler (see also paras. 82-94 below). 14/

26. Five non-voting international members, from Canada, Denmark, Eritrea, the United States of America and Zimbabwe, were also appointed to IEC. In addition, IEC was assisted by an international advisory committee of experts and national, provincial and local-party liaison committees. 15/

27. The Election Administration Directorate of IEC was responsible for the actual conduct of the elections, while the Election Monitoring Directorate coordinated the activities of national and international election monitors and observers. The Electoral Adjudication Secretariat coordinated the work of a hierarchy of electoral tribunals culminating in the Special Electoral Court, whose members were also appointed by TEC. 16/

28. Reports of transgressions of the Electoral Code were referred to the Investigations Unit of the IEC Monitoring Directorate, made up of members of the South African Police and lawyers from both the public and private sectors. The Commission of Enquiry regarding the Prevention of Public Violence and Intimidation, the "Goldstone Commission", was also requested to assist in investigations. In addition to monitors and observers, political parties and individual citizens could also lodge complaints. 17/

29. On 10 February 1994, IEC announced the final number and distribution of seats in the National Assembly and in the nine provincial legislatures. National Assembly seats were allocated by proportional representation, 200 from national lists and 200 from provincial lists.

(a) The 200 provincial seats in the National Assembly were determined as follows: 17/

Western Cape	21
Eastern Cape	28
Northern Cape	4
KwaZulu-Natal	40
Orange Free State	15
North-West	15
Northern Transvaal	20
Eastern Transvaal	14
Pretoria-Witwatersrand-Vereeniging	43

(b) Seats for individual provincial legislatures were determined as follows:

Western Cape	42
Eastern Cape	56
Northern Cape	30
KwaZulu-Natal	81
Orange Free State	30
North-West	30
Northern Transvaal	40
Eastern Transvaal	30
Pretoria-Witwatersrand-Vereeniging	86

4. Independent Media Commission and Independent Broadcasting Authority

30. IMC oversaw the equitable treatment of political parties by the media and ensured that broadcasting services such as the South African Broadcasting Corporation (SABC) and State-owned publications did not advance the interests of any political party over the others in the run up to the elections. 18/ IMC ceased to exist on 27 April 1994.

31. TEC named a mixed group of 11 individuals to IBA, an autonomous body that will regulate broadcasting in the country on a permanent basis. IBA was responsible for the allocation of licences to public, private and community radio and television organizations during the period leading up to the elections. Political parties were excluded from acquiring broadcasting licences. IBA was mandated to monitor radio and television broadcasts to ensure that they were fair and did not favour any particular party or organization. 19/

B. Negotiations with the Freedom Alliance

32. The member parties of the Freedom Alliance decided not to participate in TEC and to boycott the elections unless their demands for stronger powers for provincial governments, the creation of an Afrikaner volkstaat and separate ballots for elections to the national and provincial legislatures were met. 20/

33. Although Freedom Alliance withdrew its participation in the multi-party negotiation process, both the South African Government and ANC continued efforts to offer compromise solutions with regard to the demands of the member parties of the Alliance for further regional autonomy for the provinces and also

discussed the possible accommodation of the demand for a separate Afrikaner volkstaat within a non-racial constitution. 21/

34. On 16 February 1994, Mr. Nelson Mandela announced that, in order to avoid any postponement of the elections, to ensure the integrity and sovereignty of South Africa and to address the fears of those parties that felt left out of the process, ANC had agreed to certain amendments to the Interim Constitution. 22/ These included:

(a) Inclusion in the Interim Constitution of a constitutional principle on self-determination, based on the negotiations conducted with the Afrikaner Volksfront and others; as well as provisions for a mechanism and process for the consideration of the issue of a volkstaat;

(b) Provisions for voters to cast two ballots: one for national and one for provincial representatives;

(c) Amendment to the Interim Constitution to address the following provincial matters: (i) provincial finances would be based on agreements reached in negotiations with the Freedom Alliance; (ii) provinces, in drafting provincial constitutions, would determine their own legislative and executive structures; (iii) in order to grant greater security to the newly elected, democratic provincial governments, powers presently granted would not be substantially diminished when the Constituent Assembly drafted the final constitution; and (iv) the provincial legislatures would decide on names for their provinces and the province of Natal would be renamed KwaZulu-Natal.

35. On 21 February, the multi-party negotiation process approved amendments to the Interim Constitution and the Electoral Act in accordance with ANC proposals. 23/ The amendments were approved by the existing Parliament, which was reconvened for that purpose on 2 March. 24/ Speaking on behalf of the South African Government and the National Party, President F. W. de Klerk stated that the proposals, which in his view addressed all the concerns of the Freedom Alliance, offered the opportunity to all parties, including those of the Alliance, to participate in the elections. 25/

36. While recognizing the proposals as positive, the Freedom Alliance rejected the package on the grounds that too much power remained in the hands of the central Government and that the changes failed to guarantee the establishment of an Afrikaner volkstaat after the elections. Chief Buthelezi stated that, even if the proposals had been acceptable, there was now not enough time for IFP to launch a political campaign before the elections. 26/

37. During these negotiations, not only did the member parties of the Freedom Alliance adopt uncompromising positions, but the Alliance had no single negotiating position on key issues. When IFP registered for the elections on 4 March (see para. 50 below) and General Constand Viljoen resigned as Chairman of the Alliance and registered a new party (the Freedom Front) for the elections, the Freedom Alliance effectively fell apart. Although the Conservative Party and the Afrikaanse Weerstandsbeweging (AWB) condemned General Viljoen's decision to participate in the elections, he included individual members of the Conservative Party in the list of candidates submitted to IEC on behalf of the Freedom Front. The disintegration of the Freedom Alliance was completed by its ill-fated military intervention in Bophuthatswana on 10 March (see paras. 40-43 below). 27/

38. On 23 April, General Viljoen signed an accord on behalf of the Freedom Front with the Government of South Africa and ANC, in which the parties agreed to address the idea of Afrikaner self-determination, including the concept of a volkstaat, through negotiations and the Freedom Front undertook to seek a non-racial volkstaat based on democratic principles and human rights. The Government and ANC agreed that votes cast for the Front in the elections would be considered to reflect a desire for Afrikaner self-determination. 28/

C. Reincorporation of the homelands

39. In cooperation with the Government of South Africa, TEC took a series of measures towards the reincorporation of the homelands into South Africa, to ensure that all political parties could campaign freely in those territories without intimidation, to enable IEC to establish the necessary infrastructure for the holding of elections and to enforce financial discipline on the part of the homeland governments.

40. It will be recalled that the Chief Minister of Bophuthatswana, Mr. Lucas Mangope, who had joined the Freedom Alliance, was boycotting the elections. He had also refused to participate in TEC or to allow ANC to campaign within the homeland and had rejected a request by IEC to allow campaigning and polling in the territory. 29/ TEC had warned Mr. Mangope that it would cut subsidies to his government and send in troops in view of his non-cooperation.

41. Mounting protests against the Chief Minister in early March began with a strike by the homeland's civil service employees, who demanded that their pensions be paid out before the elections as they were fearful that pension funds would be used for government expenses once TEC severed subsidies to the Bophuthatswana government. 30/ The protestors also called for the homeland's immediate reincorporation into South Africa. The demonstrations rapidly escalated into serious rioting, causing the disintegration of the homeland's government within the next two weeks, and forcing Mr. Mangope to flee the capital of Mmabatho.

42. On 10 March another incident occurred which further complicated the already volatile situation, when some 3,000 heavily armed right-wing Whites in over 400 vehicles entered the homeland to come to the assistance of Mr. Mangope and took over the air force base, with his approval. 31/

43. Disagreement arose, however, between the leaders of the two right-wing factions, namely, General Constand Viljoen and AWB leader Eugene Terre Blanche, whose followers left the air force base. When that group fired on demonstrators and civilians, killing at least nine, they themselves were chased by the Bophuthatswana police and three were killed. The armed convoys of the right-wing group then left the homeland in confusion, attacking civilians and international journalists who were covering the events. 32/

44. On 13 March, after a 15-year rule, Mr. Mangope was removed from office and TEC appointed administrators for the homeland until the elections. SADF intervened and escorted the remaining 2,000 right-wingers stranded at the air force base out of the homeland. 33/ On 18 April, the Mmabatho Supreme Court refused an application by Mr. Mangope to declare his overthrow unconstitutional, ordered him to pay the costs of both counsels and declared that the appointment of the administrators had been lawful. 34/

45. In the following weeks, the homeland governments of Ciskei and Lebowa requested TEC to assume administrative responsibility for the two territories following similar strikes by civil service employees against alleged official corruption and demands for job and pension security after the elections.

46. In addition, TEC and the Government of South Africa took measures to enforce financial discipline in the homelands of Transkei and Venda and took over management of the bank debts of those homelands.

47. During 1991 and 1992, two thirds of government revenue of the homelands were reported to have come from the Government of South Africa. 35/ In terms of the Interim Constitution, all debts and liabilities of the homelands are to be taken over by the Government of South Africa. The national state debt is expected to rise by R14 billion. 36/

D. Negotiations regarding the participation of KwaZulu-Natal and the Inkatha Freedom Party in the elections

48. Following the rejection by member parties of the Freedom Alliance of the ANC proposals to amend the Interim Constitution and the collapse of the Alliance as a coalition (see paras. 37 and 38 above), ANC and the Government of South Africa directed their efforts towards persuading Chief Buthelezi of IFP and Zulu King Goodwill Zwelithini to join the electoral process and obtaining their cooperation so that free and fair elections could be held in KwaZulu-Natal in an atmosphere free of fear, intimidation and violence.

49. At a meeting with President de Klerk on 18 January, King Zwelithini demanded that the Government of South Africa cede him the entire province of Natal to rule as a sovereign monarch, that is, the territory conquered from his ancestors. 37/ However, surveys and polls indicated that the majority of the people wanted to take part in the elections and that only a minority of the estimated 7 million Zulu people favoured a separate ethnic State, even in the KwaZulu-Natal area, where the population was overwhelmingly Zulu and where IFP had its main support. 38/

50. Subsequent to a meeting between Mr. Mandela and Chief Buthelezi on 1 March, IFP registered provisionally for the elections before the deadline of 4 March 1994. 39/ However, the provisional registration of IFP lapsed as a result of its failure to submit a list of candidates by the deadline of 16 March which had been extended specially to accommodate IFP and other parties that had registered late.

51. At the meeting on 1 March, Chief Buthelezi suggested that ANC and IFP should try to resolve their differences on constitutional issues through international mediation. The two parties set up a special task force to work out the modalities for international mediation, including the terms of reference and the individuals to be invited to be part of the mediation team. 39/

52. However, during the following weeks Chief Buthelezi seemed to lessen his earlier emphasis on federalism and greater autonomy for the provinces and to endorse King Zwelithini's demand for sovereignty for KwaZulu-Natal.

53. On 18 March, the Goldstone Commission released a report disclosing the involvement of senior South African Police, senior IFP officials and senior officials of the KwaZulu police in perpetrating political violence aimed at destabilizing the elections (see paras. 78-81 below). 40/

54. On 23 March, the Chairman of IEC, Judge Johann Kriegler, met with Chief Buthelezi at Ulundi and attended a session of the KwaZulu Legislative Assembly, at which he informed the KwaZulu Government of the steps required to ensure free and fair elections in the territory. In its report, IEC stated that "the proceedings were orchestrated so as to create, on the one hand, an impression of willingness to comply with the law but, on the other hand, make it plain that there would in fact be widespread and sustained resistance to the electoral process in KwaZulu". 41/

55. On 28 March, rioting broke out at a rally where several thousand armed supporters of IFP and King Zwelithini marched through the business district of Johannesburg. A total of 53 people were reported killed and several hundreds more were wounded in the violence at the rally and in related incidents. IFP demanded that elections be postponed and that a negotiated settlement on the question of Zulu sovereignty be reached prior to the elections, or else South Africa would descend into "ungovernability and violence beyond control". 42/

56. In a statement issued on 29 March, the observer missions of the United Nations, the Commonwealth, the European Union and OAU in South Africa deplored the violence and stated that the political parties, the Government and the security forces shared the responsibility of ensuring an end to the violence. The statement expressed concern over the impact of "war talk" and threats that were calculated to unleash emotions in the population and deplored the carrying of weapons in public demonstrations. 43/

57. King Zwelithini's declaration of sovereignty had marked an upsurge in violence between ANC and IFP supporters and against those associated with the electoral process, both in rural areas where local chiefs were reported to have been instructed not to allow voter education and in urban centres where several incidents were reported in which ANC was prevented from holding rallies by IFP crowds occupying stadiums at Umlazi, KwaMashu and Bhambayi. 44/ The situation in Natal had become increasingly confrontational and violent.

58. On 31 March, President de Klerk, in consultation with TEC, declared a state of emergency in Natal and deployed 3,000 SADF troops in the region. 45/ The declaration of emergency in Natal marked the first time in more than three years that the Government of South Africa had resorted to emergency rule, which gave the army and police special powers of search and seizure without a warrant and of detention without trial. Chief Buthelezi termed the emergency action "an invasion". 46/ ANC supported the action of the Government of South Africa as a way to promote free political activity under reasonable restrictions. However, violence and massacres of civilians continued.

59. On 5 April, a joint working committee of IEC, the KwaZulu government and the Government of South Africa reached a unanimous conclusion that, under the current political climate, it would not be possible to hold elections in KwaZulu. 47/

60. ANC categorically ruled out any deferral of the elections either at the national level or in Natal. The Minister of Constitutional Affairs, Mr. Roelf Meyer, stated that a postponement of the elections was not a "viable option", that it could cause constitutional and political problems and could set off a further escalation of violence. 48/ The assessment was interpreted by IFP as a vindication of its position that elections should be postponed and by right-wing parties as testimony of the failure of the negotiating process as a whole.

61. At a meeting held on 8 April, the four leaders (Mr. Mandela, President de Klerk, Chief Buthelezi and King Zwelithini) failed to reach agreements that would satisfy the King's demands for sovereignty. An offer that the King, who would be given a royal stipend and a royal guard, would preside over a chamber of tribal chiefs of the provincial parliament and that the provincial legislature would have the right to name the province KwaZulu-Natal was rejected by the King and Chief Buthelezi, who reiterated both the King's demand for sovereignty and their boycott of the elections. However, consultations between the two parties as to the terms of reference to be given to international mediators continued. 49/

62. A nine-member team of international mediators led by Mr. Henry Kissinger and Lord Carrington arrived in South Africa on 12 April. The Government of South Africa, which had earlier not been in favour of international mediation, joined the talks to finalize the terms of reference for the mediation on 12 April. 50/

63. A dispute between the three parties as to the inclusion of the date of the elections as a topic for mediation led to a failure to agree on the terms of reference to be given to the mediators. The inclusion of the election date was a demand raised by Chief Buthelezi. 51/ As a result, the team of international mediators left South Africa before beginning its mediation.

64. However, the insistence of ANC and the Government of South Africa that the date of elections was not open to discussion or mediation and recognition of the critical importance of such a position by the international mediators appeared to have led Chief Buthelezi and King Zwelithini to reassess their position with regard to non-participation in the elections and to proposals made by Mr. Mandela at the meeting on 8 April.

65. On 16 April, King Zwelithini called on his people to end the violence, and IFP called off a march through central Johannesburg scheduled for 18 April. This, together with Mr. Mandela's publicly praising these gestures, preceded an agreement reached on 19 April between ANC, IFP and the Government. The agreement was reported to have been facilitated by Professor W. A. J. Okumu of Kenya, who had been an adviser to the mediating team. The most important feature of the agreement, which came into immediate effect, was that IFP would participate in both national and provincial elections. 52/

66. Furthermore, the parties agreed to recognize and protect the institution, status and role of the constitutional position of the Zulu King and the kingdom of KwaZulu-Natal, which would be provided for in the provincial constitution of KwaZulu-Natal. The Interim Constitution itself would be amended accordingly before 27 April by the South African Parliament.

67. Outstanding issues in respect of the Zulu King and the Interim Constitution, as amended, were to be addressed through international mediation, which would commence as soon as possible after the elections.

68. The Government of South Africa would undertake to place all necessary facilities at the disposal of IEC in order to facilitate the full participation of IFP in the elections, including provisions for registration of IFP, an IFP candidate list and adding the IFP name and symbol to ballot papers. The parties would abide by the technical arrangements made by IEC in that regard, reject violence and make every effort to ensure free and fair elections.

69. On 25 April, the South African Parliament met in a one-day special session to enact the Constitution of the Republic of South Africa Second Amendment Bill incorporating the agreements reached with King Zwelithini and IFP. 53/ All sides expressed optimism that the tension and violence gripping the country would ease, particularly in Natal, where 259 people had died in political violence since 31 March, when President de Klerk had imposed a state of emergency. 54/

E. Violence

70. According to the Human Rights Commission of South Africa, 4,398 politically related deaths were recorded during 1993, signifying a 25 per cent increase over 1992, although the monthly death toll fell by 33 per cent at the end of 1993 from the high point of 605 deaths in July. The vast majority of victims continued to be residents of Black townships. KwaZulu-Natal suffered 46 per cent of recorded deaths attributed to political violence, Pretoria-Witwatersrand-Vereeniging 45 per cent and the rest of the country recorded 9 per cent of politically related fatalities. 55/

71. During 1994, the phenomenal escalation of political violence in KwaZulu-Natal in March was particularly disturbing. The toll in the region rose from 180 in February to 311 in March, an increase of 73 per cent. 56/ In addition, the report of the Goldstone Commission with regard to the collusion between senior IFP and KwaZulu police officials and the South African Police (see paras. 78-81 below) brought out a new dimension of the prevailing situation.

72. The level of violence in Natal remained high even after the declaration of a state of emergency on 31 March. Innocent people and electoral workers became the targets of vigilantes and frenzied mobs. However, even during the weeks marked with fear and intimidation, 25,000 people gathered in King's Park in Durban for a prayer meeting on 17 April. Chief Buthelezi, ANC Natal leader Mr. Jacob Zuma and national party leaders attended but did not speak at the meeting. 57/

73. Casualties in Natal dropped dramatically in the days following Chief Buthelezi's announcement on 19 April that IFP would participate in the elections. However, the total number of deaths recorded in April remained high, with 338 people being killed as a result of political violence. 58/

74. As reported in paragraph 23 above, in February 1994, the Internal Stability Units of the South African Police in the townships in the East Rand region near Johannesburg were replaced with SADF units to patrol the townships. Subsequently, all sides acknowledged a marked decline in political violence in these communities. 59/ In mid-April, SADF was withdrawn from the region and replaced with units of the newly formed NPKF which, however, proved unable to prevent renewed violence. The total number of casualties as a result of political violence for April was reported to be 137 in the Pretoria-Witwatersrand-Vereeniging region, and 12 in other parts of the country. 60/ Subsequently, SADF took over policing duties in the region again and the NPKF units were confined to barracks. 61/

75. A series of 40 bomb attacks was carried out against ANC offices, railway lines and power pylons in right-wing rural strongholds of the Western Transvaal and the Orange Free State, as well as a shelter for deprived children in Warmbaths, north of Pretoria. The attacks, carried out in January and February,

were considered to be part of the right wing's threat to unleash "limited violence" in order to obtain its demand for a separate volkstaat. 62/

76. On 14 April, the South African Police discovered and confiscated a large arms cache from a home in the Die Wilgers suburb in Pretoria East. The weapons were estimated to have cost R100,000 and included a wide variety of ammunition, explosives and equipment used in making "homemade" weapons, guns, two 50-mm Browning heavy machine-guns, a 50-mm rocket launcher and detonators filled with commercial explosives. 63/

77. From 25 to 29 April, 21 people were killed in bomb attacks alleged to have been carried out by right-wing groups in order to spread panic and fear among voters. These included an explosion of a powerful car bomb in central Johannesburg on 25 April, just a block away from the ANC national and regional headquarters. An ANC candidate for the regional assembly, Ms. Susan Keane, was among the 9 people killed and over 100 people were injured. In another bomb explosion, at a taxi stand at Germiston, east of Johannesburg, 10 people were killed and 41 injured. 64/ The police arrested 34 people in connection with those attacks, including leading members of AWB, a police officer and a reserve member of the South African Police. 65/

Goldstone Commission report on involvement of security forces in political violence

78. At a joint press conference held on 18 March with President de Klerk, Judge Richard Goldstone released a 100-page report entitled "The Interim Report on Criminal Violence by Elements within the South African Police, the KwaZulu Police and the Inkatha Freedom Party". The report disclosed the involvement of senior South African Police officers, senior IFP officials and senior officials of the KwaZulu police in a conspiracy aimed at destabilizing South Africa's first democratic elections. The 20 officials named included Lieutenant General Basie Smit, Deputy Commissioner of Police; Major General Krappies Engelbrecht, head of Counter-Intelligence; Lieutenant General Johan Le Roux, Chief of the Division of Crime Prevention and Investigation; and Mr. Themba Khoza, IFP leader of the Transvaal.

79. The report substantiated allegations of the involvement of members of the South African Police in the activities of a so-called "Third Force", which have included perpetrating and financing assassinations of political opponents (in particular members of ANC) and organizing and training IFP "hit squads" to attack commuters and township residents. According to evidence given to the Commission, senior officials, who had access to a large secret slush fund, supplied IFP from 1989 until "the very recent past" with large quantities of arms, both domestically manufactured and brought in from Namibia and Mozambique, which were channelled to IFP for use against ANC. Furthermore, the report disclosed evidence of widespread financial corruption and attempted blackmail by senior police officers in an attempt to stop the inquiry by the Goldstone Commission. 66/

80. President de Klerk suspended the officers named from active duty, denied that the Government of South Africa had prior knowledge of the activities and stated that an international task force would be invited to investigate the charges further. ANC also called for an international investigation. IFP termed the report "a dirty trick" to discredit its leadership. 67/

81. In a statement dated 16 March, the Human Rights Commission of South Africa stated that by mid-April 1994, 4,500 IFP members would have received military

training at the Mlaba Camp in Natal and that the KwaZulu Legislative Assembly had provided funding for the camp. 68/ On 26 April, security forces raided the camp and seized weapons and arrested persons at the camp suspected to be members of "hit squads". 69/

F. Electoral process

Electorate

82. Approximately 22.7 million South Africans were eligible to vote in the nation's first democratic, non-racial elections out of a total estimated population of 40.3 million. The electorate's ethnic composition has been estimated as follows: 16 million Black, 3 million White, 1.8 million Coloured and 650,000 Indian. Almost 70 per cent of the electorate had never voted before. 70/

83. All South Africans over the age of 18 were eligible to vote. A South African citizen was defined under the Electoral Act as a person born in South Africa, a child of a South African citizen or a naturalized South African who had qualified for permanent residence. According to the Central Statistical Service of the Ministry of Home Affairs, 96 per cent of voters had the required identity documents by early April. 71/

Preparations for the elections

84. IEC recruited, trained and deployed approximately 200,000 voting officers, enumerators and electoral officials to staff over 9,000 polling stations across the country. A completely new structure was set up to replace the former discredited election directorate, and a massive voter education campaign was conducted for an electorate that was largely illiterate and the majority of whom had never voted before. The cost of the general election was estimated to be R700 million. 72/

85. In addition to the 9,000 South African monitors trained by IEC, approximately 6,000 international observers monitored the elections. These included: 2,120 United Nations observers representing 103 nationalities, approximately 326 observers from the European Union, 120 from the Commonwealth, 150 from OAU, 600 from Governments and 3,000 from international non-governmental organizations. 73/

86. In its voter education campaign, IEC was assisted by an unprecedented number of non-governmental organizations, both South African and non-South African. The Matla Trust was one of several such organizations active in the Independent Forum for Electoral Education. The campaign involved hundreds of organizations working through the Forum, the Democracy Education Broadcast Initiative of media professionals and the Business Election Fund set up by private businesses and IEC.

87. The campaign included mock elections organized by community and church organizations, political parties and business organizations. Television and radio talk shows, soap operas, rap groups, travelling concerts and road shows all took the message deep into South Africa's rural communities and townships. Music cassettes were distributed to thousands of minibus drivers, who provide the main form of transportation for the majority of South Africans.

88. The South African Police released a detailed report on security measures to be in force during the election period from 26 to 28 April. Weapons, including firearms, were not allowed within a 1,100-metre radius of a polling station and voters were searched before entering the polling area. No party tents, political activity, flags or banners were allowed within the perimeter. More than 100,000 members of SADF and the South African Police were deployed in and around polling stations. 74/

89. Approximately 300,000 South Africans living abroad cast their vote in the country of their residence. The Electoral Assistance Unit of the United Nations Secretariat provided observers for 120 polling stations in 57 countries. A polling station staffed by South Africans and United Nations staff was set up at United Nations Headquarters. 75/ Polling sites abroad were also observed by monitors selected by IEC. Some 190 polling stations were provided abroad for voting. 76/

Elections

90. South Africa's first democratic, non-racial elections, scheduled to be held from 26 to 28 April, had to be extended for one day and were completed on 29 April. The first day of voting was set aside for disabled, handicapped and elderly voters and for South Africans resident abroad. The vast majority of the electorate voted on 27, 28 and 29 April in a festive atmosphere free of violence, with an estimated voter turnout of 86 per cent. 77/

91. The voters elected representatives from national party lists rather than constituencies and cast their vote at any one of over 9,000 polling stations across the country. Each voter cast two ballots: one for the national ballot and one for the regional ballot of his or her choice. Nineteen political parties contested the election on the national ballot and 28 on the provincial ballot. 78/

92. Delays were experienced at polling stations because of shortages and late arrival of ballot papers and voting materials, as well as in the processing of voters. Owing to the late entry of IPF into the elections, some 90 million gummed labels had to be printed and delivered across the country. These were then pasted on to the bottom of the ballot paper by electoral workers before being handed to the voter. Voting hours were extended and a fourth day of voting was added for three of the nine voting regions of the country, namely, Northern Transvaal (Gazankulu, Lebowa and Venda), Eastern Cape (Ciskei, Transkei) and KwaZulu-Natal. 79/

93. Delays stemming from violations of electoral rules were reported to have been particularly serious in KwaZulu-Natal, where charges of vote-rigging, illegal polling stations and intimidation of monitors were investigated by IEC. Delays in the counting of ballots forced the postponement of the first session of the National Assembly, originally scheduled to meet from 6 to 9 May. 80/

94. The final outcome of the election was announced on 6 May by IEC Chairman Judge Johann Kriegler, who stated that, although the entire electoral process had been "admittedly flawed, ... that was peripheral. ... The heart of the matter was that we were able to establish the will of the people". 81/

95. The final tally of votes and seats obtained in the National Assembly by individual parties is given below: 82/

Party	Number of votes	Percentage	Seats obtained
ANC	12 237 655	62.6	252
National Party	3 983 690	20.4	82
IFP	2 058 294	10.5	43
PAC	243 478	1.3	5
Democratic Party	338 426	1.7	7
Freedom Front	424 555	2.2	9
African Christian Democratic Party	88 104	0.5	2

96. ANC obtained a majority of seats in seven of the nine provincial legislatures. The National Party obtained a majority in the Provincial Legislature of the Western Cape and IFP in KwaZulu-Natal. 83/

97. At its first session, held at Cape Town on 9 May, South Africa's newly elected National Assembly unanimously proclaimed Mr. Nelson Mandela President of South Africa. Mr. Thabo Mbeki was elected First Deputy President and former President de Klerk was elected Second Deputy President. The Assembly elected Ms. Frene Ginwala as Speaker. 84/ Later, Mr. Mandela addressed supporters and stated "we place our vision of a new constitutional order for South Africa not as conquerors, prescribing to the conquered, ... we speak as fellow citizens to heal the wounds of the past with the intent of constructing a new order based on justice for all". 85/

98. On 10 May, at a ceremony held at the Union Buildings at Pretoria, Mr. Mandela took the oath of office as South Africa's first democratically elected President. The ceremony was witnessed by 100,000 South Africans and some 5,000 international dignitaries, including the Secretary-General of the United Nations, the President of the General Assembly, Mr. Samuel R. Insanally (Guyana), and the President of the Security Council, Mr. Ibrahim A. Gambari (Nigeria), who is also Chairman of the Special Committee against Apartheid. The inauguration was reported to have been watched live on television by 1 billion viewers world wide. 86/

99. In his inaugural address, President Mandela called on the people of South Africa to act together as a united people for national reconciliation and nation building and stated that the new interim Government of National Unity would address the issue of amnesty for various categories of South Africans currently serving terms of imprisonment. He dedicated the day to all those who had contributed to the struggle for a non-racial, non-sexist, united and democratic South Africa and paid special tribute to his Second Deputy President, Mr. de Klerk. 87/

100. President Mandela thanked the international community for accepting South Africa back into its fold and called for its continued support as South Africa tackled the challenges of building peace, prosperity, non-sexism, non-racialism and democracy. 87/

101. On 11 May, 27 ministers and 13 deputy ministers took the oath of office to cabinet positions in the newly formed Government of National Unity, heralding a new era in the history of the country as its people face a common destiny in a united, non-racial and democratic South Africa. 88/ South Africa's 90-member Senate met for the first time on 20 May and elected Mr. Cobie Coetse as its President. 89/

III. SOCIO-ECONOMIC SITUATION IN SOUTH AFRICA

A. Economic performance

102. The consolidation of non-racial democracy in South Africa will also rest on the fulfilment of a number of social and economic expectations among the disadvantaged sectors of the population. The Development Bank of Southern Africa thus noted: "If socio-economic integration lags too much behind constitutional integration, the result will be political and social instability - and less economic growth". 90/ The Governor of the South African Reserve Bank noted that while a number of favourable developments had marked South Africa's economic performance in 1993 and early 1994, the structural weaknesses of the country's economy would make it difficult for the new Government to "reconcile the satisfaction of the many needs of the people with the limited resources at its disposal". 91/

103. Among the positive macroeconomic developments was the end of the longest recession experienced by South Africa in the twentieth century. According to the Central Statistical Service, real gross domestic product (GDP) grew by 8.2 per cent in the third quarter of 1993 and 6 per cent in the fourth, bringing the total GDP growth for 1993 to 1.1 per cent. 92/ The recovery in agricultural production contributed greatly to this renewed growth, as did the improvement in world gold prices. South African gold mining output was 622 tons in 1993, an increase of more than 1 per cent from 1992 and its highest level since 1986. 93/ The harvest from the 1993/94 maize crop, the second biggest on record, was estimated at 12.8 million tons, compared with only 3 million tons in the drought year of 1991/92. 94/ While this recovery had a positive downstream effect in agro-industry, the manufacturing sector remained, for the most part, depressed. Manufacturing production in August 1993 did not exceed levels reached in 1982. 95/ Overall economic growth, however, was expected to gain momentum and to reach 2 or 3 per cent in 1994.

104. Persistent low domestic demand and a 6 per cent increase in export volumes (mainly owing to a rise in merchandise and gold exports) allowed the country to register a current account surplus of R6 billion in 1993. 96/ The domestic financial situation was also showing signs of improvement. Inflation declined to its lowest level in 20 years, with consumer prices rising by 9.7 per cent in 1993. Early figures for January and February 1994 indicated a similar rate of increase, and analysts forecasted that inflation would not exceed 7.5 per cent for the whole of 1994. 97/ The growth rate of broad money supply stayed below the target range of 6 to 9 per cent set for 1993.

105. It was expected that the confidence of foreign investors in South Africa's prospects would also be boosted by the conclusion of negotiations over a final rescheduling of the country's Debt Standstill and the normalization of its relationship with IMF. South Africa applied to IMF for a loan under its Compensatory and Contingency Financing Facility. IMF approved and disbursed a loan of $850 million to cover trade balance losses owing to the drought in 1991/92. In return, the Government of South Africa and TEC committed themselves, in a "letter of intent", to follow a number of fiscal and monetary policy guidelines during the next five years.

106. Renewed access to international facilities, however, did not significantly stem the outflow of capital from the country. The total net capital outflow increased from R5.3 billion in the first six months of 1993 to about double that figure in the second half of the year. 98/ Although the flight of short-term

capital abated during the first two months of 1994, it resumed in March, further draining the country's foreign exchange reserves. At the end of December 1993, the gross gold and foreign reserves held by the Reserve Bank stood at of R9.1 billion, an amount sufficient to cover imports for only five weeks. At the end of March 1994, these reserves had been further reduced to R7.9 billion. 99/ This slide continued to exert downward pressure on the rand. According to the Governor of the Reserve Bank, Mr. Chris Stals, the average weighted value of the rand against a basket of the currencies of South Africa's major trading partners depreciated in nominal terms by 9.5 per cent in 1993. The capital outflow also prevented the monetary authorities from taking advantage of falling inflation to reduce interest rates.

107. Public finances constituted another vulnerable element in the short-term economic situation of the country. The revenue shortfalls and policies of the previous Government resulted in an accumulated public debt equivalent to 65 per cent of GDP in 1992/93. 100/ Efforts were made, however, to reduce the budget deficit for 1993/94 to 7 per cent of GDP, and figures released in early 1994 indicated that the target would not be exceeded. According to a number of temporary measures announced by the Department of Finance and TEC in March 1994, a reduction of government spending in real terms was also expected for 1994/95, when the budget deficit should be further cut to 6 per cent of GDP. 101/ The measures were aimed at maintaining fiscal discipline and meeting the policy requirements to which TEC had agreed in its letter of intent to IMF.

108. It was expected that tremendous pressure would be placed on the new Government for additional expenditure to finance social upliftment and job creation programmes. Widespread unemployment continued to characterize the South African economy. It was estimated that nearly half of the labour force was not formally employed. According to the University of Stellenbosch Bureau for Economic Research, only 23,000 of the 440,000 people entering the labour market in 1994 would find employment in the formal sector. The others would swell the ranks of the unemployed, who already represented 46 per cent of the economically active population. 102/ The economic upswing observed in the last few months of 1993 had somewhat alleviated the situation in certain sectors. The emerging recovery, however, could not bring about a comprehensive and lasting solution to the structural problem of unemployment, and specific programmes and measures would need to be designed to address it.

109. In that regard, ANC unveiled the seventh and final draft of its reconstruction and development programme in April 1994. A sixth version had been released in January in the form of a 61-page economic policy document, which outlined ANC's vision of a "mixed economy" and advocated measures for income redistribution. Among these was a public works programme to build 1 million new houses, electrify 2.5 million homes and provide clean water, sanitation and health care to all South Africans. ANC also pledged to redistribute 30 per cent of farmland within five years through government purchases from "willing" sellers and restitution to the victims of apartheid. Moreover, the reconstruction and development programme included proposals for new antitrust laws and regulations to break up powerful conglomerates, as well as the reclaiming by the State of all mineral rights currently owned by private companies. While neither the overall tax burden nor the level of borrowing by the Government would be raised to finance the programme, a reconstruction fund would be established, drawing on specific levies on capital transfers, land and luxury goods. Key aspects of the tax system would be changed to develop a more progressive structure. Personal income tax would be reviewed, company tax breaks rationalized and basic goods exempted from value added tax. The bulk of

new funds for public investment, however, would be generated through increasing the efficiency of government services. 103/

110. The seventh draft of the reconstruction and development programme retained most proposals for poverty alleviation and public works, and reiterated the commitment of ANC to finance its programme without raising taxes or foreign borrowing. Increased efficiency in revenue collection and spending delivery, combined with cuts in the defence budget (currently R10.7 billion) and savings generated by the dismantlement of apartheid structures would, according to the plan, suffice to cover the cost of reconstruction, estimated by ANC at R39 billion over the next five years. The removal from the seventh draft of the explicit target of 6 per cent of GDP for the budget deficit, however, raised concerns that an ANC Government could resort to increased borrowing. A number of analysts and politicians also expressed doubts as to whether the cost of such a programme could be limited to R39 billion, citing earlier estimates that it could reach R100 billion over a period of 10 years. 104/

111. Nevertheless, criticisms levelled against the ANC programme by members of the business community and representatives of such parties as the National Party and the Democratic Party were relatively mild. The absence of significant confrontation in this field reflected the emergence of what was described as an "economic compromise zone". 105/ The compromise was characterized by the acceptance on the part of ANC of the need to maintain macroeconomic stability and a greater awareness among the private sector and other parties that reconstruction was required to rectify some of the inequities of the past. The establishment at the end of 1992 of a number of forums, such as the National Economic Forum and the National Housing Forum, had somewhat institutionalized the "compromise zone" and generated a degree of policy consensus. The low percentage of strikes and stay-aways observed in the private sector in 1993 could be a manifestation of that consensus. It also led to a rebound in business confidence indexes issued by the South African Chamber of Commerce at the end of 1993 and in early 1994.

112. Likewise, foreign investors began to show greater interest in South African markets in the latter part of 1993, when net investments in bonds and equities by foreigners reached R4.23 billion, compared with a total of R313 million in 1992. In January 1994 alone, they reached R1.08 billion. 106/ The rise in political violence preceding the elections and the impasse reached in negotiations with IFP led to a dramatic reversal of this trend in April, however. A study by the Centre for the Study of the South African Economy of the London School of Economics states:

> "For virtually all forms of private international finance, however, sustained progress toward political, economic and social stability are likely to be prerequisites for sustaining the levels of new funding that will be necessary in the medium term, first, to fund South Africa's external debt repayments and, second, to ease the balance of payments constraints sufficiently to allow the economy to reach the growth levels necessary for reconstruction and development." 107/

B. Socio-economic issues

113. The pressing socio-economic problems faced by the majority of South Africans in the critical areas of education, health, housing and land will be a challenge to the new Government.

Education

114. Although more than 20 per cent of South Africa's 1993/94 national budget was allocated for new schooling facilities and to rectify imbalances in educational standards and opportunities, the allocation fell short of meeting the educational needs of the country. 108/

115. The year 1993 witnessed a decline in the pass rate for the 360,510 Black pupils registered in schools under the Department of Education and Training from 43.8 per cent in 1992 to 38.3 per cent. Over 70 per cent of the schools on the Department's list and the pupils who obtained the highest results were in the rural areas. By contrast, the pass rate of White pupils in the Transvaal was 97 per cent. 109/

116. Under the ANC reconstruction and development programme, it was envisaged that the new democratic Government would develop an integrated system of education and training that would provide equal opportunities to all irrespective of race, colour, sex, language, age, religion, geographical location or political opinion. 110/

117. In a study commissioned by ANC, the Macro-economic Research Group 111/ proposed, inter alia, that the entire system of educational administration should be reformed in order to meet the goal of a unitary system in accordance with the principles of equality, non-racism, non-sexism, affirmative action and democracy; that a national education programme should be implemented in conjunction with those policies to ensure the adequate delivery of educational materials and teachers; that educational policy should be assessed in the light of the delivery of other basic needs such as employment, housing, transport, and nutritional and health programmes; and that training of teachers should be met in part through the use of a distance-learning programme, which must itself be situated within a broad strategy, both for lifelong pre- and in-service training and for the development of communication skills throughout the educational system.

118. Meanwhile, ANC committed itself to a single national ministry of education and a 10-year compulsory general education cycle starting from the pre-school level to the present standard 7. To that end, it pledged to ensure that by the beginning of 1995, all schools and existing facilities in White areas that were closed in the past for lack of students would be used for both compulsory and non-compulsory education. 112/

Housing

119. According to the de Loor report of 1992, some 328,000 new units would be needed per year over the next decade in order to meet the housing backlog. 113/ On 3 March 1994, ANC stated that its administration would build 1 million houses during the first 5 years and would spend R50 billion over the next 10 years to meet those needs. The reconstruction and development programme envisaged that over 300,000 units would be built annually by the end of the five-year programme. The units would be specially intended for low-income households and rural areas. 114/

120. On 14 March, the National Housing Forum approved the first non-racial housing subsidy scheme. 115/ The scheme was the result of months of negotiations between the Forum and the then-Minister for Housing, Mr. Louis Shill. Under the scheme, the Government would provide a subsidy of R12,500 to families earning not more than R1,500 a month. The South African

National Civic Organization (SANCO) declared that amount to be inadequate, however. Stating that the amount was only sufficient to pay for a plot, services, a toilet and a few building materials, it proposed that the subsidy be raised to R17,500. SANCO also proposed that the new Government allocate not less than 5 per cent of GDP to housing during the first five years. 116/

121. In other developments, the South African Housing Trust, on the basis of a proposal from SANCO, undertook to set up a retail housing bank. Under the plan, the bank would be expected to take more risks than private banks and would finance two thirds of the houses built over the next five years. 116/

Unemployment

122. ANC planned to alleviate the problem of unemployment by creating jobs through public works. It was hoped that the public works programme would maximize the involvement of women and youth in the poorest rural households and the most deprived regions to create infrastructure such as water supply, sanitation and clinics. 117/ A study by the Urban Foundation found that public works programmes aimed at creating temporary jobs for the most economically disadvantaged would absorb at least R12 billion per annum. 118/ Meanwhile, the National Economic Forum allocated almost R55 million to fund short-term job-creation schemes in the north-eastern Transvaal, an area seen as one of the most economically underdeveloped regions in South Africa. The forum also allocated R4 million for job creation in environmental conservation projects. 119/

Health

123. South Africa's health system has been characterized by severe inequalities in the infrastructure and services provided for different racial groups. On 19 January 1994, ANC released its draft national health plan for the new South Africa, proposing a restructured national health system based on good primary health and strengthened public health services funded through existing taxation levels. The draft plan elaborated a five-year programme of priorities aimed at correcting past racial and geographical imbalances in the provision of health care through more efficient management of existing resources. ANC hoped that the draft would encourage "rigorous" public debate and that the Government of National Unity would consider it as a national health programme. According to the plan, South Africa's existing health budget, of 6.5 per cent of GDP, was adequate to provide high quality care for all. 120/

124. Under the draft plan, the main targets for the next five years were free prenatal, delivery and postnatal care, full immunization by the end of 1997 of 90 per cent of all children under the age of two and the eradication of poliomyelitis and neonatal tetanus by 1995. The plan provided for free health care for children under the age of 6; a 10 per cent reduction in child tuberculosis per year; a 20 per cent reduction annually in malnutrition; sex education in schools; and community health centres and clinics in all rural areas by 1999. 120/

Land

125. In South Africa, 87 per cent of the land is in the hands of 5 per cent of the country's total population. A new land policy, therefore, is a major necessity for the new Government in order to address the socio-economic imbalances confronting the rural population. ANC developed a land-reform programme aimed at addressing effectively the injustices of forced removal and the historical denial of access to land. Central to the programme was the need

to ensure security of tenure for rural dwellers, regardless of their system of landholding. 121/

126. In February, the National Land Committee organized a conference entitled "The Community Land Conference" at Bloemfontein. The Conference, in which more than 700 delegates representing some 350 communities participated, rejected the year 1913 as a cut-off date for claims and set it at 1652. It also called for the abolition of property rights in the Interim Constitution. While sharing their concerns, ANC did not agree with the proposal that a land court be established to consider claims dating back to 1652. 122/ In early March, a delegation from the Conference met with Mr. Mandela to express concern over the ANC position on the land issue. 123/

Electrification

127. The per capita consumption of electricity in South Africa is comparable to that of the United Kingdom of Great Britain and Northern Ireland. However, household service is provided to only some 3 million units, leaving over 20 million of the population without access to electricity. 124/

128. In its reconstruction and development programme, ANC committed itself to providing access to electricity for an additional 2.5 million households by the year 2000, thereby increasing access to electricity to about 72 per cent of all households. The programme is expected to cost around R12 billion, with an annual investment of R2 billion. 125/

IV. INTERNATIONAL RESPONSE TO DEVELOPMENTS IN SOUTH AFRICA

A. United Nations action

129. The General Assembly continued its broad-based support for the political process under way in South Africa. On the proposal of the Special Committee, the Assembly amended the title of its agenda item to read "Elimination of apartheid and the establishment of a united, democratic and non-racial South Africa" so as to reflect a progressive and positive approach to the issue. On 8 October 1993, it decided by consensus to lift all economic sanctions against South Africa with immediate effect, and to lift the oil embargo as of the date when TEC would become operational (Assembly resolution 48/1). On 9 December 1993, the President of the Assembly issued a statement informing the Assembly that since TEC was now operational, the embargo related to the supply of petroleum and petroleum products to South Africa and investment in the petroleum industry was lifted. All other Assembly resolutions related to the question of South Africa (resolutions 48/159 A to D and 48/160) were also adopted by consensus.

130. In his report of 6 December 1993 (A/48/691), the Secretary-General reiterated the continued support of the United Nations to the peace process and its readiness to assist the people of South Africa in the country's first multi-party elections. The Secretary-General stated that he was accelerating contingency planning for a possible United Nations role in the election process, including coordination with the observer missions of OAU, the European Union and the Commonwealth.

131. On 16 December 1993, the Secretary-General appointed Mr. Lakhdar Brahimi as his Special Representative to South Africa. After an initial mission of consultation to South Africa and the region in December, Mr. Brahimi assumed his post at Johannesburg on 27 January 1994. 126/

132. The United Nations Observer Mission in South Africa (UNOMSA) continued to carry out its tasks in accordance with its Security Council mandate of 1992. The strength of UNOMSA was increased to 100 in early 1994. In his report of 10 January 1994 (A/48/845), the Secretary-General outlined the organizational structure and resource and personnel requirements for the deployment in South Africa of observers from the United Nations, OAU, the Commonwealth, the European Union and Member States during the election period.

133. On 14 January, the Security Council unanimously adopted resolution 894 (1994), and agreed with the Secretary-General's proposals concerning the mandate and the size of UNOMSA, including his proposals for the coordination of the activities of international observers provided by intergovernmental organizations and Governments. It also welcomed the Secretary-General's intention to set up a special trust fund to finance the participation of additional observers from Africa and other developing countries.

134. On 21 January, the General Assembly adopted resolution 48/233 entitled "Democratic and non-racial elections in South Africa", in which the Assembly took note with satisfaction of Security Council resolution 894 (1994), and, inter alia, called upon the South African authorities, including IEC, under the supervision and guidance of TEC, to take the necessary measures to protect the rights of all South Africans to organize and participate in peaceful public manifestations and political rallies, to run for election and to participate in

the polls in all parts of South Africa, including the "homelands", free of intimidation.

135. By 24 March, 611 international staff, including 200 United Nations Volunteers, had been deployed in 9 provinces and 56 subprovinces of South Africa. An additional 1,278 United Nations electoral observers were trained at three different venues from 21 to 23 April before being deployed to the provinces two days before the elections. UNOMSA offices were established in seven provincial cities over and above Johannesburg and Durban and in two subprovincial centres, totalling 11 offices. The locations were selected to correspond with the provincial and subprovincial centres of IEC. 127/

136. On 19 April, the President of the Security Council issued a statement welcoming the agreement reached that day between IFP, ANC and the Government of South Africa and the decision by IFP to participate in the elections. The Secretary-General also issued a statement welcoming the breakthrough agreement. 128/

137. On 25 May, the Security Council adopted resolution 919 (1994), by which it decided to terminate the mandatory arms embargo and other restrictions related to South Africa imposed by resolution 418 (1977) of 4 November 1977. The Council also decided to end all other measures against South Africa contained in its resolutions 282 (1970) of 23 July 1970, 558 (1984) of 13 December 1984 and 591 (1986) of 28 November 1986 and to dissolve the Committee established by its resolution 421 (1977) concerning the question of South Africa.

138. In his statement to the Council, the Deputy President of South Africa, Mr. Thabo Mbeki, said, that the Council's decision signified an acceptance by the world body that South Africa had become a democratic country which could be counted on to subscribe and adhere to the pursuit of international peace and security.

139. Mr. Mbeki stated that South Africa would seek a negotiated regional security system for southern Africa and was willing to make a contribution in support of the efforts of the United Nations and the peoples and Governments of Angola and Mozambique and in international efforts in Rwanda as well.

140. He underlined the determination of his Government to honour its obligations deriving from relevant international agreements. He informed the Council that South Africa was in the process of converting its military technology to civilian application and requested the assistance of the international community in that regard.

United Nations organizations

141. On 9 November 1993, the Food and Agriculture Organization of the United Nations (FAO) readmitted South Africa as a member nation with full rights of participation, to be effective on the date of the establishment of TEC. Of the 138 member nations who voted, 128 voted in favour of readmission, 5 voted against and 5 abstained. 129/

142. In February 1994, UNDP announced that it would transfer its liaison office in Zambia to South Africa. The UNDP office would, inter alia, provide support to the South African National Planning Committee responsible for the International Donors' Conference on Human Resources Development in a Post-Apartheid South Africa, scheduled to be held at Johannesburg from 28 to 30 June 1994.

143. On 28 February 1994, the Office of the United Nations High Commissioner for Refugees (UNHCR) announced a $1.2 million programme to be funded by the Government of Japan for the training and rehabilitation of returned political exiles. Under the programme, between 500 to 600 returnees would be selected for the training course during 1994, and a similar number would be trained in 1995. According to UNHCR, a total of 12,105 South African refugees and political exiles had returned to South Africa under its auspices. 130/

144. On 2 May, South Africa recovered all rights, privileges and full membership in the World Health Organization (WHO) following a decision by the WHO Assembly at the opening of its annual session at Geneva. 131/

145. On 7 June, South Africa returned to the International Labour Organization (ILO) after an absence of 30 years. ILO pledged $1 million in assistance to South Africa. 132/

B. Intergovernmental organizations

146. The Ad Hoc Committee of Heads of State and Government on Southern Africa of OAU met at Harare on 19 March 1994 and issued a communiqué on the situation in South Africa, in which it welcomed, inter alia, the outstanding progress made in the Multi-party Negotiation Council, which culminated in the historic agreements to hold the first democratic elections in South Africa from 26 to 28 April 1994 and to establish the transitional structures preparatory to the holding of those elections, and urged all parties to continue their endeavours in a spirit of national reconciliation.

147. On 27 March 1994, the member countries of the League of Arab States decided to lift their political and economic boycott of South Africa. The Foreign Ministers of the League adopted a resolution in which they stated their support for the consolidation of Arab-African relations. 133/

148. Mr. Michael Manley, former Prime Minister of Jamaica, led the Commonwealth observer group to monitor the South African elections. The Commonwealth Observer Mission, which had been in the country since October 1992, provided election observers as well as technical expertise in various fields relating to the elections. A Commonwealth Peace-keeping Assistance Group, consisting of 26 senior military and police officers, provided training, advice and assistance to NPKF (see paras. 21 and 74 above). Senior police officers from the Commonwealth also assisted the review by the South African Police of its policing policy and methods and provided crowd control training to party marshals accompanying public demonstrations and political rallies. 134/

149. On 2 May 1994, Chief Emeka Anyaoku, Secretary-General of the Commonwealth, stated that South Africa had a standing invitation to rejoin the organization soon after its first democratic Government was installed. He added that the Commonwealth would be able to help South Africa as it moved beyond the era of economic sanctions and reintegrated itself into the world trade and investment system. South Africa resumed its full membership in the Commonwealth on 1 June. It will be recalled that South Africa withdrew from the Commonwealth in 1961 amidst international criticism for its policies of apartheid. 135/

150. The European Union Joint Action on South Africa, which was adopted on 6 December 1993, provided for electoral assistance and monitoring during the election process and a comprehensive cooperation framework for assistance in the economic and social sectors during the transition period. The European Union

announced that it would establish diplomatic relations with South Africa on 14 December 1993. Although the 12 member States had diplomatic relations at some level with South Africa, the Union as a whole did not. A newly signed agreement provided for the establishment of a European Union mission in South Africa.

151. In a declaration issued on 4 March 1994 (see A/49/93), the Rio Group expressed its solidarity with the transition to democracy and called upon all South African political parties to lend their support to the democratic process.

152. On 16 May, the Group of African States at the United Nations issued a statement saluting ANC for its victory and congratulating PAC, as well as the entire people of South Africa and all other parties that had contributed to a peaceful transition to democratic rule. The Group expressed its gratitude to the front-line and neighbouring States for the sacrifices they had made in the liberation struggle in South Africa. In the light of the changed circumstances in the country, the Group called for the restoration of the right of South Africa to participate in the deliberations of the General Assembly and other organs of the United Nations as a full-fledged member. 136/

153. On 6 June, OAU admitted South Africa as its fifty-third member. 137/

154. Having been admitted on 31 May 1994 to the Movement of Non-Aligned Countries as a full member, South Africa participated in the ministerial meeting held at Cairo on 1 and 2 June.

C. Governments

155. During the period under review, South Africa's diplomatic relations with the international community continued to normalize at a rapid pace as a number of South African embassies opened in different parts of the world. Foreign embassies were similarly opened at Pretoria. On 1 March 1994, South Africa handed over Walvis Bay to the Government of Namibia.

156. As a mark of strong support for the democratic process taking place in South Africa, as well as in anticipation that the country would become an engine for economic growth in the region, many Governments decided to grant assistance to South Africa and others sought to increase their commitments. These initiatives included humanitarian aid, academic exchanges, projects financing vocational training, small loans to commercial and rural sectors and construction of low-cost housing. Numerous Governments sent high-level representatives to act as international observers during the period of the electoral campaign.

D. Non-governmental organizations

157. Non-governmental organizations continued to monitor developments in South Africa vigilantly. In order to help reverse the legacies of apartheid and to improve the economic well-being of all South Africans, non-governmental organizations campaigned actively for foreign businesses planning to invest in South Africa to do so in a constructive and creative partnership with organizations active in disadvantaged communities. Companies were urged to ensure that their operations included the development of training and education for workers, upheld workers' rights and offered consumer and environmental protection, as well as supported businesses owned by Blacks.

158. During the period leading to the elections, numerous non-governmental organizations worked closely with local churches and community groups, focusing on access to voter education, free political activity, provision of voter identification and a host of other election details. Fact-finding delegations travelled to South Africa and reported on the progress made in the electoral process as well as on continuing concerns and problems. Teams of observers were sent to communities particularly beset by violence and conflict.
Non-governmental organizations have stated that international support will continue to be of prime importance after the elections, as the country begins to face a long process of reconstruction.

V. REVIEW OF THE WORK OF THE SPECIAL COMMITTEE

159. In accordance with its mandate and pursuant to the policies and guidelines set by the General Assembly in its 1989 Declaration on Apartheid and its Destructive Consequences in Southern Africa, as well as subsequent resolutions adopted by the Assembly, including those at its forty-eighth session, the Special Committee continued to follow closely developments in South Africa, promote international assistance in helping South Africans to overcome the negative social and economic consequences of apartheid, maintain contacts with academic institutions and civic communities, consult with parties participating in the political process and undertake other activities aimed at supporting the political process of peaceful change until a democratically elected, non-racial Government was established in South Africa.

160. At its first meeting for 1994, on 13 January, the Chairman of the Special Committee stated that since the Committee's establishment in 1962 the possibility of attaining its goals peacefully had never been brighter. The Chairman highlighted the different tasks of the Committee. Its main objective for 1994 was to support the consolidation of the foundations of a non-racial society and assist it on a path of growth.

1. Response to political developments in South Africa

161. In the period under review, the Special Committee, responding to political and other events inside South Africa, continued to issue statements to express its support for a continuation of the process (see annex II to the present report).

162. On 7 December 1993, the Special Committee greeted with great satisfaction the inaugural meeting at Cape Town of TEC, which would prepare South Africa for its first free and fair elections and assist the Government until the elections. It also commended the continued efforts to negotiate with those parties which had so far decided not to take part in TEC and in South Africa's first non-racial elections. It strongly urged the international community to continue its moral and material assistance to South Africans in order to help create stable conditions for the rapid and peaceful attainment of a new democratic and non-racial South Africa.

163. On several occasions, the Special Committee urged the authorities, under the supervision of TEC, and all political parties and their members to renounce violence and intimidation.

164. In a statement issued on 25 February 1994, the Special Committee reiterated its call for a peaceful end to apartheid through the participation of all South Africans, irrespective of race, colour, gender or economic or social background, in the democratization process.

2. Seminar on Sustainable Economic Growth and Development in South Africa: Policy Priorities for the Early Years of a Democratic Government, London, 22 to 24 January 1994

165. The Seminar was organized by the Centre for the Study of the South African Economy and International Finance of the London School of Economics and Political Science, with the co-sponsorship of the Special Committee.

166. Some 35 economic, financial and other experts from South Africa, together with a small number of international experts, all of whom were invited in their individual capacities, participated in the Seminar. Experts from United Nations specialized agencies, other United Nations bodies, the African Development Bank, the Commonwealth, the European Union and OAU were also among the participants.

167. The Seminar was intended to help stimulate the continuing debate over policy priorities for immediate action once a new Government of National Unity was in place in South Africa. There were four consecutive workshops and a round-table discussion. The four workshops focused, respectively, on the mobilization of domestic resources through financial and fiscal policies, the mobilization of external resources and the management of external finance and exchange rate policy, the restructuring of the domestic economy through labour market policies and trade and industrial policies (see A/AC.115/L.696).

3. International Briefing on South Africa's First Democratic and Non-racial Election, Brussels, 28 February and 1 March 1994

168. An International Briefing on South Africa's First Democratic and Non-racial Elections was held in the European Parliament at Brussels on 28 February and 1 March 1994 (see A/48/895). The Briefing was organized by the Liaison Group of Anti-Apartheid Movements in the European Union, and was held with the co-sponsorship of the Special Committee, under the patronage of the Greek Presidency of the European Union and Mr. Van den Brock, the Commissioner for External Affairs of the European Union.

169. The keynote address was delivered by the Chairman of IEC Judge Johann Kriegler. Statements were made by the representatives of UNOMSA, as well as of TEC and other institutions and organizations from South Africa. All South Africans who spoke represented independent organizations. The Briefing provided South Africans with an opportunity to present their needs for assistance regarding voter education and election monitoring.

4. Missions of the Special Committee to South Africa, 28 February-6 March 1994 and 6-10 June 1994

170. In its work programme for 1994, the Special Committee included two missions of consultation to South Africa, one to take place before the elections and one afterwards. They were to underline further the Committee's support to the people of South Africa and to the leadership of the political parties in their efforts to bring all parties into the process and to conduct the elections as scheduled and in an atmosphere free from violence and intimidation.

171. The first mission of the Special Committee (see A/48/921), from 28 February to 6 March, took its four members, including the Chairman of the Committee, to Cape Town, Johannesburg, Pretoria, East London and Port Elizabeth. The members

of the mission had, inter alia, an opportunity to follow the proceedings in TEC, and to attend the parliamentary session at which additional amendments to the Interim Constitution were presented and adopted.

172. The mission was also given a full and detailed brief by the Chairman and several members of IEC and met with the Chairman of the Commission of Inquiry regarding the Prevention of Public Violence and Intimidation and the Chairman of the National Peace Secretariat. Detailed briefings were also provided by the Special Representative of the Secretary-General, Mr. Lakhdar Brahimi, and by the leaders of the observer teams of the Commonwealth, the European Union and OAU. In Cape Town, East London and Port Elizabeth, UNOMSA representatives provided further briefings on the situation in their respective areas of responsibility and meetings were held with representatives of the local peace structures.

173. With particular reference to voter education, the mission met with representatives of the Independent Forum on Electoral Education, an umbrella organization for a large number of non-governmental organizations engaged in electoral education. The mission, in addition, met with representatives of two leading organizations participating in the Forum, namely the Matla Trust and the Institute for a Democratic Alternative in South Africa. The mission also met with Mr. Cyril Ramaphosa, General Secretary of ANC, and Mr. Thabo Mbeki, the ANC Chairman; with Mr. Clarence Makwetu and Mr. Gora Ebrahim, President and Foreign Secretary, respectively, of PAC; with Mr. F. Schoeman, Deputy Minister for Constitutional Affairs; and with Mr. Zach de Beer, leader of the Democratic Party. Members of the mission met with representatives of Local Peace Committees, non-governmental organizations, ANC and PAC at East London and Port Elizabeth.

174. The second mission, also led by the Committee's Chairman, Professor Ibrahim A. Gambari (Nigeria), took place between 6 and 10 June 1994. The other members of the mission to South Africa were: Dr. Jayaraj Acharya (Nepal), Vice-Chairman of the Special Committee; Mr. Simbarashe Mumbengegwi (Zimbabwe); Dr. Fernando Guillen (Peru); Mr. Suresh Goel (India), Rapporteur; Mr. Abdullahi Gwary (Nigeria) and Mr. Amer Araim, Secretary of the Special Committee.

175. The Chairman of the Special Committee set the objectives of the mission by emphasizing at various meetings that this was a fact-finding mission in order to enable the Special Committee to incorporate its assessment of the situation in South Africa in its final report to the General Assembly. The Chairman congratulated the people of South Africa on the success of the elections, which were recognized as free and fair. The elections demonstrated the courage and determination of the people of South Africa to bring about the end of apartheid by establishing a democratic and non-racial society. The Chairman stated that the United Nations had responded to the changes that had taken place in South Africa by lifting all restrictions against South Africa. Furthermore, the Special Committee was looking forward to South Africa resuming its seat in the General Assembly and its active participation in all the activities of the United Nations system. The Chairman also highlighted the importance of a coordinated manner in which the United Nations should continue to remain engaged in South Africa and the reconstruction and development of the country in the post-apartheid era. He emphasized the continuing role of the international community in enabling South Africa to overcome the legacy of apartheid.

176. In the course of the mission, members of the delegation held discussions with the leaders of four political parties in the country (ANC, the National Party, IFP and PAC); the President of the Senate and the Speaker of the National

Assembly and several members of the new Parliament; church leaders; the Chairman of IEC; officials of the National Olympic Committee of South Africa; the editor of a leading South African newspaper, The Sowetan, as well as some other senior media representatives; the ambassadors and diplomats of the United States of America and several other Western countries resident in South Africa; the Ministers of Public Enterprises, Safety and Security, Constitutional and Provincial Affairs and Home Affairs and also a number of Deputy Ministers, including, in particular, the Deputy Minister of Foreign Affairs and Deputy Presidents Mr. T. Mbeki and Mr. F. W. de Klerk. The highlight of the mission, however, was the audience with President Mandela.

177. The Chairman and other members of the mission were received by President Mandela on 7 June 1994. Mr. Mandela praised the work of the Special Committee, which had made a tremendous contribution to the elimination of apartheid. He also stated that the mission by the Special Committee symbolized the changes that had already happened in South Africa. He stressed that there now existed a great deal of good will amongst the political parties of South Africa and its people. The elections, as well as the subsequent actions, including the establishment of the Government of National Unity, had brought about a new spirit of cooperation. He also stated that South Africa needed the support of the international community, especially for the Government's socio-economic programmes contained in the reconstruction and development programme.

178. The Chairman of the Special Committee assured President Mandela that the final report of the Special Committee would include recommendations on the future role of the United Nations in South Africa, and he wished to know the views of the Government and people of the country on what such a role should be. The members of the mission would also continue to work on assistance for South Africa as representatives of their respective countries in the United Nations both at the bilateral level and through different United Nations programmes. He also emphasized that the members of the Special Committee had had a deep-rooted commitment to the end of apartheid and its consequences in South Africa and that their interest in South Africa would continue even after the termination of the Special Committee's mandate.

179. At various meetings of the mission, there was a unanimous expression of appreciation and praise for the role played by the United Nations, the Secretary-General and UNOMSA as well as the Special Committee. There was a general recognition that the changes that had taken place in South Africa had been achieved through the determination of the people of South Africa to eliminate apartheid. The United Nations efforts, through both pressure and persuasion and assistance to the opponents of apartheid, had contributed to the process in a significant manner. It was also recognized that the changes in South Africa would benefit all sectors of society and that the contributions of all ethnic and cultural groups would strengthen the unity of the people.

180. The leaders of South Africa expressed the hope that their country would soon resume its place in the General Assembly and begin to participate actively in the work of the United Nations. They also hoped that the question of arrears would be considered in a favourable manner, keeping in mind related circumstances. South Africa is also looking forward to playing an active role in OAU, the Movement of Non-Aligned Countries, the Commonwealth and other organizations.

181. The question of development assistance was emphasized throughout the visit, particularly in respect of education and training for unemployed South African

youths. The phenomenon of unemployment among the Black majority was a matter of great concern to the political leadership of South Africa. With the establishment of the new Government in South Africa, there was a considerable keenness in the country to attract foreign investment. The Government was planning various policy initiatives and strategies to encourage foreign enterprises to participate in the South African economy. Such participation and investment would contribute substantially to the growth and development of the country. It was stated that the long-term goal of the Government would be to make the enterprises internationally competitive.

182. South Africa was also looking forward to the establishment of regional mechanisms in southern Africa, which would not only promote regional trade and economic development but also contribute to peace and security in the region. South Africa, with its existing infrastructure and resources, could play an important role in such a regional mechanism.

183. The mission had extensive discussions on the election process in South Africa. It was explained that, notwithstanding the administrative difficulties faced in the conduct of the elections, including the late decision by IFP to participate, the results were generally representative of public opinion. IEC had made every effort to deal with the problems. The cooperation extended by SADF to IEC in the distribution of voting materials had contributed significantly to re-establishing the former's credibility. As an indicator of the success of voter education, it was said that only 1 per cent of the total vote was invalid. Subsequent analysis by IEC had concluded that in a 68 per cent sample of the vote, there was only a 2 per cent margin of error.

184. The presence of international observers had had a salutary effect in promoting a peaceful atmosphere during the elections. IEC recognized the importance of the international support of the election process, particularly that of UNOMSA and other observer groups. That support had not only enhanced the credibility of the elections, but had also helped in the very conduct of the elections.

185. The mission was satisfied that the democratization process in South Africa, the constitutional principles and the Interim Constitution as well as the political will of the South African leadership, would enable the people and the Government of South Africa to achieve their objective of building a new, democratic and non-racial society.

186. It was stressed to the mission that, after the elections, the new Parliament and the Government of National Unity faced an intensive agenda. The immediate task for the Government of National Unity would be to establish priorities for economic development which would most likely draw heavily upon the reconstruction and development programme of ANC. The budget to be presented by the Government would clearly indicate those priorities. It was, however, emphasized by many prominent personalities, including those from the media, church and business groups, that the Government would need to give a definite indication of some progress in the areas of socio-economic development in the immediate time-frame. It was suggested by a business group and by others that active support of business in South Africa towards those goals would generate substantial confidence in the people in the Government. The leaders also stressed that, notwithstanding the availability of resources for such programmes, financial assistance from the international community would not only be desirable but also essential. It was also felt that "the end of the apartheid dividend" might to a considerable extent be offset by the cost of

dismantling several structures and administrative anomalies created by apartheid, in particular those relating to the homelands.

187. The Parliament, composed of the National Assembly and the Senate, had the task ahead of taking legislative action to give shape to the programmes of various ministries of the Government, including, in particular, the need for affirmative action to redress the socio-economic inequities in South Africa. In its capacity as the Constituent Assembly, the Interim Parliament would have the task of addressing the pending issues of federalism, provincial powers, minority rights in the field of education and culture and the volkstaat. The process of constitutional review in the Constituent Assembly would be based on the constitutional principles annexed to the Interim Constitution. It was expected that the final Constitution would be adopted within the two-year period as envisaged earlier, but the present Government would continue to function for a period of five years to promote national stability.

188. The mission believed that the role of the international community in general and of the United Nations in particular in helping the people and the Government of South Africa to overcome the legacies of apartheid could not be underestimated or overlooked. To that end, an informal group of friends of South Africa in the General Assembly might be established to provide the necessary support.

189. There were a number of issues of concern that required the continuing support of the international community. The mission believed that South Africa should be allowed to resume its seat in the General Assembly without further delay. South Africa had already been readmitted to a number of specialized agencies and other international organizations. The democratization process should be encouraged. Development assistance to South Africa at the bilateral and multilateral levels should be a priority item on the agenda of the States that were able to do so as well as international organizations. The United Nations should continue to be the catalyst for support and development assistance to South Africa. The mission therefore recommended that, in consultation with the Government of South Africa, a high-level coordinator be appointed for all United Nations development activities in South Africa for the next five years, that is, to coincide with the tenure of the Government of National Unity.

190. The mission was impressed with the determination of the South African leadership to cooperate at the bilateral, regional and multilateral levels to achieve those goals.

191. The mission was thankful for the cooperation it received from the Government of South Africa, the political parties and religious, business and other segments of South African society, as well as for the recognition of the role of the United Nations and the Special Committee in the successful achievement by the people of South Africa in establishing a democratic, non-racial and united South Africa.

5. Observance of international days and round tables

192. During the period under review, and in accordance with its mandate from the General Assembly, the Special Committee held a meeting in observance of the International Day for the Elimination of Racial Discrimination (21 March 1994). The annual observance marks the anniversary of the day in 1960 when police at Sharpeville opened fire on a peaceful demonstration against apartheid "pass laws", killing 69 persons.

193. Speaking at the meeting, the Chairman of the Special Committee said that while the people of South Africa were moving forward to close the sad and painful chapter of apartheid through the conduct of the first democratic and non-racial elections, the day's observance was a reminder to all that South Africans, particularly the Black majority, deserved the support of the international community to build a united, democratic and non-racial society. The end of apartheid, he added, would be an outstanding event in the history of mankind and would set up a much needed example for the whole world. The Secretary-General, the President of the General Assembly, the President of the Security Council, the Chairman of the Group of African States and the Permanent Observer of Palestine, as well as representatives of ANC and PAC, also addressed the meeting.

6. Art against Apartheid Collection

194. The Art against Apartheid Collection, formed in 1981 and based on art work donated by some 85 well-known artists, is currently valued at an estimated $15 million. According to the donating artists' conditions, the collection is to be handed over to South Africa's first democratically elected and non-racial Government. A sum of $160,000 from the Publicity against Apartheid Fund had been earmarked for its transfer and permanent installation in South Africa. The Special Committee, in cooperation with the Department of Public Information of the Secretariat, was ready to start consultations with designated South African representatives on the matter.

195. The collection, which is presently based in Paris, was set up with an initial funding of $100,000, with the Special Committee as the main contributor. Other contributions have come from Western countries, mainly Finland, France, Norway and Sweden, and from the United Nations Educational, Scientific and Cultural Organization. Since its opening in Paris in 1983, the collection has been exhibited in 60 museums and galleries around the world, including Denmark, Finland, Germany, Greece, Italy, Japan, Spain and the United States, and at United Nations Headquarters.

196. The collection, which until recently had been self-sustaining, derived its income from posters and signed prints of the work of the participating artists. It had played an important role in raising awareness of and rallying international opposition against the apartheid system. Now the time had come for the collection to be handed over to South Africa, in accordance with the wishes of the artists who had donated their work to it.

VI. CONCLUSIONS AND RECOMMENDATIONS

197. With the entry into force, on 27 April 1994, of South Africa's first non-racial and democratic Constitution, and the holding of the first non-racial elections from 26 to 29 April 1994, apartheid came to an end.

198. This is, first of all, a victory for all South Africans of all races, and the success of their political leaders who have manifested an extraordinary degree of courage, wisdom and resilience in negotiation for broad-based agreements for bringing apartheid to a peaceful end and for laying the foundations for a new, non-racial and democratic South Africa with equal and guaranteed rights for each and all.

199. The United Nations, the Special Committee and the international community at large can take just pride in the contribution they have made over several decades to the efforts leading to the elimination of apartheid, and the support they have given to all those South Africans who have courageously struggled against apartheid and suffered from it.

200. Also in this respect, the international community can take pride in the positive contributions made to the political process of negotiation and the electoral process itself by the presence and activities of the observer missions in South Africa of the United Nations, the Commonwealth, the European Union and OAU. The efforts of the Secretary-General of the United Nations, including his active support to the process through, inter alia, frequent contacts with the parties and his rapid action to put into effect the mandates given to him by the Security Council and the General Assembly, deserve the appreciation of the international community.

201. The South African elections were held under markedly difficult circumstances, largely owing to the very short time available to IEC to make the necessary arrangements. While not flawless, however, South Africa's first non-racial and democratic elections were sufficiently free and fair. It was the observation of the heads of the international observer missions in South Africa, including that of the United Nations, that the people of South Africa had expressed their determination to create a peaceful, non-racial and democratic South Africa.

202. The parties to the political, multi-party process leading to the end of apartheid and a new non-racial South Africa have, in their dedication to pursue a peaceful settlement, developed habits and skills and devised unique mechanisms for finding broadly agreed solutions, which hold out a promise for continued reconciliation and inclusiveness in the process of economic and social recovery and reconstruction that will now begin in South Africa.

203. As South Africa returns to the family of nations, the Special Committee looks forward to its contribution to the purposes of the United Nations.

204. The socio-economic disparities caused by apartheid need to be urgently addressed to ensure the stable and peaceful development of post-apartheid South Africa and, in this respect, assistance from the international community will be vital.

205. The system of apartheid having been brought to an end, the Special Committee against Apartheid established by the General Assembly in its resolution 1761 (XVII) of 6 November 1962 has fulfilled its mandate in

accordance with the provisions of relevant Assembly resolutions, in particular, resolutions 2671 (XXV) of 8 December 1970 and S-16/1 of 14 December 1989, containing the Declaration on Apartheid and its Destructive Consequences in Southern Africa, and has successfully concluded its work.

Notes

1/ The Economist Intelligence Unit, South Africa country report, first quarter 1994, p. 9; A/48/845-S/1994/16, para. 13.

2/ Constitution of the Republic of South Africa Bill, Ministry of Constitutional Development.

3/ South African Press Association summary (Permanent Mission of South Africa to the United Nations), 7 December 1993; Election Monitor, Anti-Apartheid Movement (London), issue No. 11, 14 December 1993.

4/ South Africa: The Countdown to Elections (Lawyers Committee for Civil Rights Under Law (Washington, D.C.)), issue No. 2, 17 December 1993.

5/ Business Day (Johannesburg), 3 February 1994; The Star (Johannesburg), 11 January 1994.

6/ Weekly Mail (Johannesburg), 19 December 1993; Sunday Nation (Johannesburg), 19 December 1993.

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ANNEX I

Composition of the Special Committee and its subsidiary bodies

A. Special Committee against Apartheid

1. The Special Committee against Apartheid, established by General Assembly resolution 1761 (XVII) of 6 November 1962, is composed of the following 17 Member States:

Algeria	Malaysia	Sudan
Ghana	Nepal	Syrian Arab Republic
Guinea	Nigeria	Trinidad and Tobago
Haiti	Peru	Ukraine
India	Philippines	Zimbabwe
Indonesia	Somalia	

2. At its 672nd meeting, on 13 January 1994, the Special Committee unanimously re-elected Professor Ibrahim A. Gambari (Nigeria) as its Chairman, and Mr. Jayaraj Acharya (Nepal), Mr. Victor Batiouk (Ukraine) and Mrs. Annette des Iles (Trinidad and Tobago) as its Vice-Chairmen. Mr. Suresh K. Goel (India) was re-elected as its Rapporteur.

3. At the same meeting, the Special Committee re-elected Mr. Kofi Nyidevu Awoonor (Ghana) as Chairman of its Subcommittee on the Implementation of United Nations Resolutions on South Africa, and Mr. Simbarashe Simbanenduku Mumbengegwi (Zimbabwe) as Chairman of its Subcommittee on Developments in South Africa.

B. Subsidiary bodies of the Special Committee

Subcommittee on the Implementation of United Nations Resolutions on South Africa:

Ghana (Chairman), Guinea, Nepal, Nigeria, Philippines, Somalia, Sudan, Syrian Arab Republic.

Subcommittee on Developments in South Africa:

Algeria, Haiti, India, Indonesia, Malaysia, Peru, Trinidad and Tobago, Ukraine, Zimbabwe (Chairman).

ANNEX II

Chronology of statements issued by the Special Committee

GA/AP/2140 and Rev.1 (3 November 1993)	Recommending that the Assembly maintain the arms embargo against South Africa until the election of a non-racial, democratic Government
GA/AP/2141 (18 November 1993)	Welcoming the adoption of South Africa's Interim Constitution
GA/AP/2142 (7 December 1993)	Welcoming the inaugural meeting of South Africa's Transitional Executive Committee
GA/AP/2143 (13 January 1994)	Expressing concern that political violence in South Africa could jeopardize the peace process
GA/AP/2144 (17 January 1994)	Announcing the Seminar on Sustainable Growth and Development in South Africa, to be held in London from 22 to 24 January
GA/AP/2145 and Rev.1 (25 January 1994)	Seminar on Sustainable Growth and Development in South Africa, held in London from 22 to 24 January
GA/AP/2146 (24 February 1994)	Statement on the elections in South Africa, to be held from 26 to 28 April
GA/AP/2149 (21 March 1994)	Expressing concern that any postponement of the elections could aggravate tension
GA/AP/2151 (29 April 1994)	Applauding the election process in South Africa and heralding the establishment of a united, non-racial, democratic society
GA/AP/2152 (6 May 1994)	Congratulating President-Elect Nelson Mandela of South Africa, after the pronouncement of the elections as free and fair